

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

\_\_\_\_\_/

This Order Relates To:

ALL CASES

\_\_\_\_\_/

**ORDER REGARDING MATTERS ADDRESSED DURING THE  
JANUARY 8, 2020 TELEPHONIC HEARING, GRANTING  
PLAINTIFFS' MOTION TO AMEND [73] AND DENYING  
DEFENDANTS' MOTIONS TO DISMISS [49, 50, 51]**

On January 8, 2020, the Court held an on-the-record telephonic hearing regarding discovery and other case management-related issues. For the reasons set forth on the record, the Court now orders as follows:

**(1) Deposition Timing**

VNA and McLaren Defendants' motion to extend deposition timing, joined by LAN Defendants is denied. (16-10444, ECF Nos. 1022, 1024, 1025.) The Court will, however, adopt the interim measure set out in its order following the December 10, 2019 status conference. (16-10444, ECF

No. 1014.) This measure allots one additional hour during depositions to both Plaintiffs and Defendants. (*Id.*)

The deposition of Defendant Michael Glasgow will be increased by up to 6 hours, thereby allowing for a third day of depositions. One of these 6 hours is to be allocated among Plaintiffs and the remaining 5 hours among Defendants. If parties do not use all of the time allocated to them, that time will be available to other parties, dividing the time equally among any party wishing to ask further questions.

**(2) Motion for Class Certification Timeline**

Class Plaintiffs' motion to extend the time to file their motion for class certification (16-10444, ECF No. 1023) is granted in part. Class Plaintiffs requested a three-month extension to the March 2, 2020 deadline set in the Second Amended Case Management Order. (16-10444, ECF No. 998, PageID.25955.) The Court extends the time for filing Class Plaintiffs' motion for class certification to **Friday April 24, 2020**. Relatedly, the deadline for filing supporting Federal Rule of Civil Procedure 26(a)(2) expert reports and disclosures is also moved to April 24, 2020. Any opposition and supporting Rule 26(a)(2) expert reports and disclosures shall be filed by July 24, 2020, and any reply in support of

class certification shall be filed by September 24, 2020. Within two (2) weeks from filing the reply, Defendants must notify the Court if an evidentiary hearing is requested.

**(3) Answers or Responsive Pleadings in Individual Flint Water Cases**

On August 2, 2019, the Court issued a ruling in *Walters v. Flint*, 17-cv-10164, and *Sirls v. Michigan*, 17-cv-10342, granting in part and denying in part Defendants' motions to dismiss. With the exception of *Marble v. Snyder*, 17-cv-12942, and *Brown v. Snyder*, 18-cv-10726, the ruling applied to all individual Flint Water Cases. (16-10444, ECF No. 918.) Some of these individual cases have raised unique claims not yet considered by this Court. *E.g.*, *Chapman v. Snyder*, 18-cv-10679; *Bacon v. Lockwood*, 18-10348; *Anderson v. Wyant*, 17-cv-13890. Defendants are ordered to answer or otherwise respond to these claims in all remaining individual cases by **Monday, February 10, 2020**.

Parties are reminded of the Court's earlier order that "in cases with Short Form Complaints alleging *legionella*-related injuries . . . answers or responsive pleadings need not be filed until the Court reaches a decision in *Marble v. Snyder*, 17-cv-12942 and *Brown v. Snyder*, 18-cv-10726." (16-10444, ECF No. 956, PageID.24519.) Further, Defendants

need not answer or otherwise respond to portions of the Short Form Complaints incorporating causes of action from the Master Long Form Complaint in *Walters v. Flint*, 17-cv-10164, that are no longer alleged in the *Walters* Amended Master Complaint. (*Id.*)

Finally, the Court grants Plaintiffs' motion to amend their complaint in *Chapman v. Snyder*. (ECF No. 73.) Accordingly, Defendants' pending motions to dismiss (ECF No. 49, 50, 51) the previously filed complaint are denied as moot without prejudice to their refiling on **Monday, February 10, 2020**. Chapman Plaintiffs are further ordered to file a notice on the docket by **Monday, January 13, 2020**, to inform the Court and the parties as to whether they are proceeding on their RICO and inverse condemnation claims, and if so, to specify which Defendants are being sued for these claims in their amended complaint. IT IS SO ORDERED.

Dated: January 9, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 9, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager